

THE CITY COUNCIL/RDA MET IN REGULAR SESSION ON THE 2ND DAY OF FEBRUARY, 2010 AT 6:30 P.M. AT THE CITY HALL COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION-5:30 P.M.

CALL TO ORDER.

The Closed Session portion of the agenda was called to order at 5:30 p.m.

ATTENDANCE.

Mayor: David B. Ouzan
Mayor Pro Tem: John Moreno
Councilman: Luis J. Castro
Councilman: Daniel Romero
Councilman: Guillermo Hermosillo

The City Council/RDA convened into Closed Session at 5:30 p.m. to discuss the following:

- A. Conference with Labor Negotiators
Agency Representatives: Victor M. Carrillo, Judith Hashem, Jennifer Lyon, Jessica Falk-Michelli
Employee Organizations: SEIU/CMEA; Water/Wastewater Operators Assoc.; Supervisors Assoc.; Police Officers Assoc.; Firefighters Assoc.; Unrepresented Employees.
- B. Conference with Legal Counsel-Existing Litigation
(Subdivision (a) of Section 54956.9) (2 cases)
 - 1. Citizens for responsible equitable environmental development v. City of Calexico (ECU 05535)
 - 2. Chico v. Heffernan et al (ECU 05585)
- C. Conference with legal counsel-anticipated litigation_ Initiation of litigation pursuant to Govt. Code Section 54956.9 © (1 case).

The City Council/RDA reconvened from Closed Session at 6:30 p.m. and took no action on Items A-C, direction was given.

REGULAR MEETING-6:30 P.M.

CALL TO ORDER.

Before calling the meeting to order Mayor Ouzan stated Mayor Pro Tem Moreno will conduct tonight's meeting as the Council will reorganize in approximately four months.

The regular meeting was called to order at 6:30 p.m. by Mayor Pro Tem John Moreno.

APPROVAL OF AGENDA.

A motion was made by Councilman Romero, seconded by Councilman Hermosillo and passed unanimously to approve the agenda as presented.

ANNOUNCEMENTS AND PUBLIC COMMENTS.

Stella Jimenez, 1105 Imperial Ave. and owner of Mariscos El Camaron, spoke regarding lunch wagons. She stated that City Manager Carrillo was going to resolve this matter for them but he never did and she did not receive a phone call of anything. She stated that lately they have seen lunch wagons selling the same type of food that they sell. She stated lunch wagons do not have to pay rent or utilities. She further stated that restaurants need to provide a nice environment for their customers. She feels the City is not being fair. She has tried contacting some of the other restaurants and if she has to go to the newspaper she will. Ms. Jimenez stated this is a big concern to her because this is the livelihood of her children. She asked if the City continues to allow lunch wagons will she have to go out of business? She also stated that Calexico is looking like Mexicali and she does not want this, she is in California and that is the way it should be.

City Manager Carrillo stated the lunch wagons were given 60 day temporary permits. The lunch wagon she is referring to asked for an extension and it was denied. Taco Mex and the sea food lunch wagon were given temporary use permits and were given time to find a permanent location and they can continue operating their lunch wagons at the High School. Taco Mex is moving into local No. 5 where they park because this is a family owned property. The sea food lunch wagon has a lease agreement at Third and Imperial. He stated that Ms. Jimenez has made a major investment in Calexico and the City thanks her for that. He stated they will continue to address this issue and hopefully bring closure to this matter. Mr. Carrillo stated that Alex Tacos will also open soon and they too have a temporary permit.

Ms. Jimenez stated now she feels at ease and feels the City did case and now it will be a fair deal.

Mayor Ouzan thanked City Manager for his professionalism in handling this matter.

Mr. Bill Hodge, 400 Clarke, commended the work that the City Manager and City Council are doing. He asked what steps is the City taking on graffiti because graffiti defaces the community. City Manager stated that starting this week two employees will be dedicated to cleaning up the city, one will be dedicated to sweeping down town and the second one will be dedicated to graffiti clean up. Mr. Hodge stated that the seniors at the high school need community service hours, can they help clean up graffiti? Mayor Pro Tem Moreno informed Mr. Hodge that seniors can contact the Neighborhood House and they will have the senior assist with graffiti clean up.

Mr. Manuel Aldasoro, 1001 Paulin Apt. A, stated that traffic gets very bad at the intersection of Highway 98 and 111. He stated there are only four traffic controllers along Imperial Avenue. It took him approximately fifteen minutes to cross the street. Mayor Pro Tem Moreno stated this issue will be addressed at the next meeting. City Manager thanked Mr. Aldasoro for bringing this up to his attention. This is a constant issue and they are trying to make traffic as fluent as possible on Imperial Avenue. Hopefully soon they will have more traffic controllers. Mr. Aldasoro stated he called 911 and they did not care about his problem. He also stated that he lives at the corner of Tenth Street and Imperial Avenue and there is a cross lady at the cross walk but when there is no school or on week ends the traffic does not stop for pedestrians. He was advised by Mayor Ouzan that 911 is for emergencies only and he should not be calling if it is not an emergency.

GENERAL COMMENTS BY CITY COUNCIL MEMBERS.

Councilman Romero stated he has talked to the City Manager and Department Heads on measures to reduce costs. He seriously asked that a hiring freeze be considered. He thanked the City Manager, the Mayor, the City Clerk and anyone else involved in delivering agendas on Wednesdays. He also congratulated those involved on the Second Street two way corridor. He asked that on the agenda fact sheets they should write does not apply or N/A on items that do not apply. He asked for a presentation to the Council and public on the General Plan. He would like to know the direction the City is taking. He also stated that recently he and Mayor Pro Tem Moreno attended a conference of the League of California Cities in Sacramento and it was very informative. He asked that any new member to the City Council attend this seminar.

Councilman Hermosillo asked how often are potholes and cracks on the streets repaired? Mr. Nick Fenley, Director of General Services stated they follow a schedule and each month they move from one section of town to another. Sometimes the crews need to be pulled to do other work. Some of the streets are on the overlay plan. City Manager stated higher importance is given to the streets that have more traffic. Councilman Hermosillo stated he received a couple of calls from people complaining about the street by Toys R Us and the water at the Joel Reisin field. City Manager informed retention basins work their way north to Reisin field and from there the water slowly drains into a 12 inch drain.

Mayor Ouzan stated they should have more assistance to businesses. Perhaps they should revisit the revolving loan or perhaps an EDA grant for small businesses. Small business should be given more incentives perhaps they can be given a waiver of fees to promote their small business. He would like to have an update on the storefront rebate program and the first time home buyer program. They need to look at ways to bring more revenue into the City. The ½ cent sales tax for public safety should be brought back to the ballot. The economy is bad and a lot of revenue has been lost. City Manager stated they will begin to target downtown areas

and they will explain all the programs that can help the merchants.

Mayor Pro Tem Moreno stated he is glad they are receiving the agendas on Wednesday and he appreciates this from staff. He agrees with Mr. Hodge about the graffiti and with Councilman Romero regarding the two way traffic on Second Street. He stated that perhaps there should be traffic lights at Second and Rockwood Avenue. He congratulated Ms. Jamie Chew who worked on the painting on Heffernan Avenue. He also stated there was great networking in Sacramento. He has the opportunity to meet with Assemblyman Perez.

CONSENT AGENDA.

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to approve the Consent Agenda consisting of the following:
Approved City Council minutes for December 15, 2009; Approved Alcoholic Beverage License for the CB Stop, 1498 Cole Rd; Adopted budget amendment resolution for recreation donations; Adopted budget amendment resolution or the redistribution of the Group Insurance appropriations to Medical Insurance; Authorized City Manager to sign contract renewal for Innovative Interfaces Library Software and Hardware Maintenance Contract; Authorized City Manager to sign contract with Pitney Bowes for a 60 month lease of the Postage Machine; Authorized Director of Utility Services to purchase one emergency distribution pump from BR Supply; Approved request for joint use of parking facilities at the Calxico 10 Theaters pursuant to Section 17.13.166 of the CMC; Approve addition to scope of work for the street improvement overlay project; Approved the audited basic financial statement, single audit, transportation development act funds and management report for fiscal year ending June 30, 2009.

CITY COUNCIL MINUTES FOR JANUARY 5, 2010.

Mayor Pro Tem Moreno made reference to the City Council minutes for January 5, 2010, Page 5, Paragraph three the no votes should be Romero, Hermosillo and Castro.

A motion was made by Councilman Romero, seconded by Councilman Hermosillo and passed unanimously to amend the minutes for January 5, 2010.

CITY COUNCIL MINUTES FOR JANUARY 19, 2010.

Councilman Romero made reference to the City Council minutes of January 19, 2010, page 4 and stated that there is a motion passing a resolution for the donation of monies to Haiti. He stated that the money would not come from the City but rather from donations. City Attorney stated that a resolution was passed with amendments that had already been sent to the Deputy City Clerk.

A motion was made by Councilman Romero, seconded by Mayor Ouzan and passed unanimously to adopt the City Council minutes for January 19, 2010.

ADOPT BUDGET AMENDMENT RESOLUTION FOR ASSET FORFEITURE FUND #218.

City Manager stated the allocation would be used for Police Department miscellaneous projects.

A motion was made by Mayor Ouzan, seconded by Councilman Hermosillo and passed unanimously to adopt the budget amendment resolution for Asset Forfeiture Fund # 218.

ADOPT ORDINANCE ADDING THE R-2 ZONING CLASSIFICATION, A MEDIUM DENSITY RESIDENTIAL CATEGORY AND RELATED IMPLEMENTING REGULATIONS TO TITLE 17 OF THE MUNICIPAL CODE.

Mayor Pro Tem Moreno made reference to this ordinance and asked if there are R-2 zones in Calexico. Mr. Armando Villa, Development Services Director stated after the ordinance is approved there will be R-2 zones in the City.

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to adopt the second reading, by title only, waive full reading of the ordinance adding the R-2 zoning classification, a medium density residential category and related implementing regulations to Title 17 of the Municipal Code.

APPOINTMENT OF TWO COUNCIL MEMBERS AS PRIMARY AND ALTERNATE REPRESENTATIVE FOR THE IMPERIAL COUNTY TRANSPORTATION COMMISSION

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to appoint Mayor Pro Tem Moreno as the primary representative for the Imperial County Transportation Commission and Councilman Castro as the alternate.

APPOINTMENT BY MAYOR OUZAN TO FILL VACANCY ON RECREATION COMMISSION.

Mayor Ouzan appointed Mr. Carrillo to the Recreation Commission.

APPOINTMENT OF ONE RESIDENT COMMISSIONER TO THE HOUSING AUTHORITY BOARD.

A motion was made by Mayor Ouzan, seconded by Councilman Hermosillo and passed unanimously to appoint Ms. Raquel Encinas as a Resident Commissioner to the Housing Authority Board.

CONSIDER ADOPTING AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.24 OF THE MUNICIPAL CODE BY REPEALING SECTION 10.24.210 AND ADDING A NEW SECTION 10.24.210 RELATING TO THE AUTHORITY TO REMOVE VEHICLES FOR SALE IN CERTAIN AREAS WITHIN THE PUBLIC RIGHT OF WAY.

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to adopt the first reading, by title only, waive full reading of ordinance amending Title 10, Chapter 1.24 of the Municipal Code by repealing Section 10.24.210 relating to the authority to remove vehicles for sale in certain areas within the public right of way.

DISCUSSION RELATED TO CITY'S MASTER FEE SCHEDULE.

City Manager stated that tonight the Council can hear public comments and then bring the item to the next Council meeting.

Mayor Ouzan asked how much money is generated from these fees. He asked if the fees can be reduced by 25% for next year. He asked that City Manager continue to talk to people on a case by case basis.

Councilman Castro agreed with Mayor Ouzan and stated that this fiscal year they can work on it because the budget is already done but perhaps for the next fiscal year they can work on reducing the fees by 25%.

Councilman Hermosillo stated that if next years' budget allows it they can make the reduction.

Mayor Pro Tem Moreno agreed with the rest of the Council and suggested reducing the fees for next fiscal year.

City Manager stated the majority of the swap meet vendors have already paid the fees in full. Those that could not pay the full amount have made payment arrangements. City Manager commended staff; Liliana Reyes, Monica Tapia, Martha Gutierrez, Sally Hernandez, Judy Hashem for their patience and for being diplomatic in tolerating the complaints and criticism. He stated staff is doing a great job.

Mr. Bill Hodge stated they need to go the extra mile and communicate and if it takes bodies from the city to go to the businesses it is an excellent idea. People need time to adjust to the shock of paying these high fees. It is important to get the information out.

City Manager stated that the majority of the fees had not been raised in approximately twenty years. Perhaps in the future fees should be raised in a three year period.

Mr. Ruben Lozano, 840 Fourth Street thanked Mr. Hodge for his comments regarding business licenses and thanked the City Manager for informing everyone that swap meet vendors have paid their license fees in full. They have been paying their license fees for the past 15 to 20 years. It bothers them they were not told of this increase and they did not notice the change. They agree that there needs to be increases but in the past they only paid \$35 for the Fire Department fees and now they are being charged \$167. They are asking that the increase be something reasonable. He thanked the City Manager because he was very nice in hearing them.

Councilman Hermosillo stated that if the licenses are classified as gross receipts then the license fee should be less because there are no gross receipts.

Ms. Herlinda Lara, 1012 Desert View, stated she has sold at the swap meet for a very long time. She was given an agreement to pay her license fee. These fees affect her but she pays them because she lives from this.

Ms. Gabriela Romo, 330 E. Sixth Street, representing Monica Topete, thanked the City Manager for going to their business. She thanked Fire Chief Peter Mercado who went to their business to explain the procedures for fire inspections. She stated she sent a letter to the Council member asking that they review the 2010 business license fees and she proceeded to read the letter. She stated these are hard economic times for Calexico. The increase to the business license fee can be devastating. She asked for a meeting with the City Manager, Finance Director and Ms. Lilliana Reyes and the Building Department to request arrangements on the payment of their business license.

DISCUSSION OF CITY FINANCIAL REPORT AS OF DECEMBER 30, 2009.

City Manager stated a power point presentation will be made in reference to the budget. They have already reduced the budget by 15% and they need to stay within 6.5% for the remainder of the year.

Finance Director proceeded to make the power point presentation and explain the city's financial report. She stated Council has authorized the use of the reserves in the amount of \$500,000 to help balance the budget.

Mayor Ouzan stated staff needs to work together. He is looking forward to better years. He asked to be informed within 60 days to see how things are going.

FUTURE AGENDA ITEMS BY CITY COUNCIL MEMBERS.

Mayor Ouzan stated he send an e-mail to City Manager and City Attorney regarding the possibility of allowing the business owners to have 4X8 banners and also storefront rebate

program. He also stated that it was his understanding that funds for small businesses were being returned to the State.

Councilman Romero would like a financial report on a monthly basis.

City Manager stated he will bring back the option of revising the First Time Homebuyer program. At the present time the loan is \$25,000 and perhaps it can be increased to \$40,000.

CONTINUED PUBLIC HEARING-CONSIDERATION TO RESCIND ALL ENTITLEMENTS FOR THE MEGAPARK PROJECT; AMEND THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FOR THE MEGAPARK PROPERTY AND REZONE THE MEGAPARK PROPERTY TO BE CONSISTENT WITH THE GENERAL PLAN.

City Attorney stated this is a continued public hearing at the request of the applicant. On December 1, 2009 a request was received to rescind all the approvals and entitlements. Tonight if they approve the resolutions they will rescind the Tentative Map.

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to adopt a resolution decertifying EIR 2009--01 and rescind approval of Tentative Subdivision Map 2009-01 for the Megapark Project.

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to adopt a resolution amending the General Plan Land Use Designation for the Megapark property.

A motion was made by Mayor Ouzan, seconded by Councilman Hermosillo and passed unanimously to adopt the first reading, by title only, waive full reading of ordinance to rezone the Megapark property.

INFORMATION ITEMS.

The City Council acknowledged receipt of the following information items: Budget Calendar for fiscal year 2010-11.

REDEVELOPMENT AGENCY BOARD MEETING.

APPROVE THE AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2009.

A motion was made by Chairman Ouzan, seconded by Member Hermosillo and passed unanimously to approve the audited financial statements for fiscal year ending June 30, 2009.

SET PUBLIC HEARING FOR FEBRUARY 16, 2010 TO REVIEW THE FIVE YEAR IMPLEMENTATION PLAN.

A motion was made by Chairman Ouzan, seconded by Member Romero and passed unanimously to set February 16, 2010 as public hearing date to review the five year implementation plan.

INFORMATION ITEMS.

The RDA Board acknowledged receipt of the following information items: Business Improvement District Committee minutes for December 16, 2009 and January 13, 2010.

ADJOURNMENT.

There being no further business the City Council/RDA Board meetings adjourned at 8:23 p.m.

David B. Ouzan, Mayor

Attest:

Lourdes Cordova, City Clerk